

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

C.P. No. 37/1999

in

O.A. No. 1882/97

New Delhi this the 7th day of May, 1999.

Hon'ble Shri S.R. Adige, Vice Chairman (A)  
Hon'ble Smt. Lakshmi Swaminathan, Member (J)

1. Dr. Pratap Singh,  
S/o Shri Ram Dayal,  
R/o Gulabi Bagh,  
1658 Delhi Administration Flats,  
Delhi-110 007.

2. Shri Y.D. Sharma,  
S/o Late Shri P.D. Sharma,  
R/o Delhi Administration Flats,  
21-D, Timarpur,  
Delhi.

3. Shri C.S. Narayanan,  
S/o Shri V. Laxmi Narayanan,  
R/o C-11 D/10 B, Janakpuri,  
New Delhi.

Applicants

(By Advocate: Mrs. Meera Chhibber)

Versis

1. Shri Omesh Saiogal,  
Chief Secretary,  
5 Sham Nath Marg,  
Delhi.

2. Ms. Neeru Nanda,  
Secretary (Education),  
Directorate of Education,  
Old Secretariate,  
Delhi.

3. Ms. Archana Arora,  
Director of Education,  
Directorate of Education,  
Old Secretariate,  
Delhi.

Respondents

(By Advocate: Shri Vijay Pandita)

O R D E R

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

C.P. 37/99 has been filed by the applicants in  
O.A. No. 1882/97 in which they have alleged that the  
respondents have willfully failed to comply with the  
directions of the Tribunal given in the Order dated  
21.5.1998 within the time mentioned therein on which

18

(57)

they should be proceeded under the Contempt of Courts Act, 1971. It was also mentioned that an earlier M.A. filed by the respondents for grant of extension of time had also been dismissed by Order dated 9.12.1998 with further direction to the respondents to implement the order dated 21.5.1998. The learned counsel for the petitioners has also raised other objections in the C.P. for example, regarding clubbing of the vacancies and not indicating the eligible persons against those vacancies for each year.

2. We have heard the learned counsel for the parties at considerable length. The respondents have submitted their affidavit of compliance. As we were not fully satisfied with this affidavit, we were constrained to direct the concerned officers to be personally present in the Court along with the relevant records to satisfy ourselves that the directions given in the Tribunal's order have been fully complied with in time. Hearing in the C.P. were held on 26.4.1999 and 29.4.1999 when the concerned officials were present. They have also submitted the copies of the relevant records, including the final seniority list of Principals and letter dated 28.4.1999 addressed to the Union Public Service Commission with regard to holding of DPC for promotion to the posts of Assistant Director Education/Education Officer. It is seen from the letter dated 28.4.1999 that the remaining ACRs of the petitioners in O.A. No. 1882/97 have been forwarded to UPSC as per Annexure A-1. It is also noticed that a number of relevant documents pertaining to the

(58)

implementation of the directions of the Tribunal dated 21.5.1998 have been issued by the respondents on 28.4.1999, which includes the final seniority list which is stated to have been earlier issued on 11.3.1999 as well as the complete ACRs of the petitioners which itself shows that there has been considerable delay on the part of the respondents in effectively implementing the Tribunal's Order. In fact, it is apparent that these orders have been issued more or less one day prior to the departmental officials appearing in Court as directed by Order dated 26.4.1999. However, it will also be relevant to note that both in the affidavit as well as orally, respondents have tendered unconditional apology for the delay stating also that they have no intention to willfully disobey the Tribunal's orders.

3. From the facts and circumstances of the case while the respondents may not have willfully or contumaciously disobeyed the Tribunal's orders, it cannot also be said that they have willfully and graciously obeyed the orders within the stipulated time. The respondents seem to have adopted the policy of "better late than never." Shri Vijay Pandita, learned counsel had urged that the officials had issued the aforesaid letter and orders on 28.4.1999 after working in the holidays so as to implement the Tribunal's order. While this may so, this is no excuse for the respondents not issuing the final seniority list with complete ACRs, etc. as they were required to do in time. However, after careful consideration of the submissions made by the learned counsel ~~for~~ the

parties and perusal of the relevant records, we accept the apology tendered by the respondents for the delay in implementing the Tribunal's order dated 21.5.1998. (59)

4. With the above remarks and having regard to the observations of the Supreme Court in J.S. Parihar Vs. Ganpat Duggar & Ors. JT 1996(9) SC 608, since the respondents have now passed the necessary orders in furtherance of the Tribunal's order C.P. 37/99 is dismissed and notices issued to the respondents are discharged. If any further grievance survives, it is open to the applicants to pursue their remedies in accordance with law.

Lakshmi Swaminathan

(Mrs. Lakshmi Swaminathan)  
Member (J)

S.R. Adige

(S.R. Adige)  
Vice Chairman (A)